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25 Z-MAN FISHING PRODUCTS, INC.

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27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
29 OAKLAND DIVISION

30 APPLIED ELASTOMERICS,
31 INCORPORATED, a California corporation,
32 Plaintiff/Counter-Defendant,
33
34 v.
35 Z-MAN FISHING PRODUCTS,
36 INCORPORATED, a South Carolina
37 corporation,
38 Defendant/Counter-Complainant.

39 Case No. C06-02469 CW

40 **STIPULATION AND ORDER
41 REGARDING RESPONSE TO
42 THIRD AMENDED COMPLAINT**

43 Honorable Claudia Wilken

44

45

46 STIP. & [PROPOSED] ORDER RE: RESPONSE TO 3D AM. COMPLAINT
47 No. C06-02469 CW

48 C:\Documents and Settings\lms6\Local Settings\Temporary Internet Files\OLK53\Stipulation Re Response Third Amended
49 Countercomplaint_v1.DOC

1 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and Defendant
2 and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through their respective
3 attorneys of record, submit this stipulation and proposed order pursuant to Northern District Local
4 Rule 6-2.

5 Whereas AEI’s lead counsel on this matter, Jill Neiman, has had to take an unexpected
6 medical leave of absence and Jennifer Taylor assumed responsibility for this case going forward as of
7 March 12, 2007.

8 Whereas Z-Man filed its Third Amended Counter-Complaint on March 15, 2007.

9 Whereas the previous time modifications in this case include the following: 1) On April 27,
10 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to respond to
11 AEI’s Complaint. 2) On September 28, 2006, pursuant to Z-Man’s request, the parties stipulated
12 that the hearing date for the parties’ pending motions (Z-Man’s transfer motion and AEI’s motion to
13 dismiss counterclaims) and the date of the parties’ Case Management Conference be rescheduled
14 from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, pursuant to the Court’s
15 authorization at the Case Management Conference for the parties to work out a stipulated briefing
16 schedule for AEI’s motion to dismiss Z-Man’s first amended counterclaims and/or motion for
17 judgment on the pleadings, the parties so stipulated to a briefing schedule and to a hearing date of
18 February 2, 2007. 4) On December 20, 2007 the parties entered into a revised stipulation on the
19 briefing schedule and hearing date for AEI’s motion to dismiss Z-Man’s First Amended
20 Countercomplaint in light of Z-Man’s agreement to voluntarily drop some of its counterclaims by
21 bringing a Second Amended Counter-Complaint. 5) on January 23, 2007 the parties entered a
22 stipulation extending time for Z-Man to respond to AEI’s motion to dismiss the Second Amended
23 Counter-Complaint in light of a calendaring error which caused Z-Man not to file its opposition to
24 AEI’s motion on January 19, 2007 when it was otherwise due pursuant to the parties’ December 20,
25 2007 stipulation.

26 Whereas on March 5, 2007 this Court granted AEI’s motion to dismiss Z-Man’s Second
27 Amended Counter-Complaint, but granted Z-Man leave to re-plead one of the dismissed
28 counterclaims and also permitted Z-Man to include in its Third Amended Counter-Complaint claims

1 Z-Man wishes to pursue from the transferred South Carolina action recently consolidated with this
2 case.

3 It is hereby stipulated that AEI will have until April 12, 2007 to answer or otherwise respond
4 to the Third Amended Counter-Complaint. (A motion to dismiss any portion of the Third Amended
5 Counter-Complaint will obviate the need for AEI to file an answer to the Third Amended Counter-
6 Complaint until after the motion is decided).

7

8 Dated: March 20, 2007

MORRISON & FOERSTER LLP

9

10 By: /s/ Jennifer Lee Taylor

Jennifer Lee Taylor

11 Attorneys for Plaintiff Applied Elastomerics, Inc.

12 Dated: March 20, 2007

DILLINGHAM & MURPHY, LLP

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14 By: /s/ Mark J. Rogers

15 Mark J. Rogers

16 Attorneys for Defendant Z-Man Fishing
17 Products, Inc.



18 IT IS SO ORDERED.

19 March 21

20 Dated: _____, 2007

21 United States District Judge
22 Honorable Claudia Wilken

23 I, Jennifer Lee Taylor, am the ECF User whose ID and password are being used to file this
24 Stipulation Regarding Briefing Schedule and [Proposed] Order. In compliance with General Order
25 45, X.B., I hereby attest that Mark J. Rogers has concurred in this filing.

26

27 Dated: March 20, 2007

MORRISON & FOERSTER LLP

28

29 By: /s/ Jennifer Lee Taylor

Jennifer Lee Taylor

30 Attorneys for Plaintiff and Counter-Defendant
31 Applied Elastomerics, Inc.